

REMARKS

Claims 1 to 48 were pending in the application at the time of examination. Claims 1, 3, 4, 6, 8, 9, 12, 14, 15, 17, 19, 20, 23, 25, 26, 28, 30, 31, 34, 36, 37, 39, 41, 42, 45, 47, 48 stand rejected as anticipated. Claims 2, 5, 7, 10, 11, 13, 16, 18, 21, 22, 24, 27, 29, 32, 33, 35, 38, 40, 43, 44 and 46 stand rejected as obvious.

Applicant has amended the description to properly reflect the status of the U.S. Patent Applications cited therein.

Claims 1, 3, 12, 14, 23, 25, 34, and 36 are amended to more clearly recite the sequence recited in each of these claims.

Claims 2, 5, 11, 13, 16, 22, 24, 27, 33, 35, 38 and 44 are more amended to more clearly recite the location of the virtual machine to avoid discussions on whether Applicant is requesting reading of limitations from the description into the claims.

Claims 6, 7, 17, 18, 28, 29, 39, 40, and 45 to 48 are cancelled.

Claims 1, 3, 4, 6, 8, 9, 12, 14, 15, 17, 19, 20, 23, 25, 26, 28, 30, 31, 34, 36, 37, 39, 41, 42, 45, 47, 48 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,966,002, hereinafter referred to as "Saez."

Applicant respectfully traverses the anticipation rejection of Claims 1, 12, 23, and 34 in view Saez. Saez teaches a fundamentally different process from that in these claims. As shown in Fig. 12, of Saez, the software product is sent by the server as the first operation. The key for decrypting is generated after a purchase request is received and is specific to the software and the user device. The request for the software is different from the purchase request, because the request for the software is associated with step 1210 of Saez and not the purchase request of step 1230.

In these claims, the enrollment request is "for receipt of one or more obfuscated executable application programs controlled by an application program provider." At the time of the purchase request of Saez cited in the action, the software has already been received on the user device and so the purchase request fails to teach the invention in the same level of detail as recited in Claim 1. There is no teaching cited in the rejection of a target ID that is associated with step 1210 of Saez.

In addition, in these claims, the secret is associated with the application program provider, while what is characterized as the secret is associated with the user device and the specific software. Also, the software is taught by Saez as being received before receiving what the office action characterizes as the secret and so teaches away from the sequence recited in these claims where the secret is received and then the software. Saez teaches no more than what is recited in the background section of Applicant's specification, because the software is available on the user computer and can be hacked to determine the necessary key as described in that background section without going through the credit card step cited in the rejection. Applicant respectfully requests reconsideration and withdrawal of the anticipation rejection of each of Claims 1, 12, 23, and 34.

Applicant respectfully traverses the anticipation rejection of Claims 3, 14, 25, and 36 in view Saez. As shown in Fig. 12, of Saez, the software product is sent by the server as the first operation. The key for decrypting is generated after a purchase request is received and is specific to the software and the user device. The request for the software is different from the purchase request, because the request for the software is associated with step 1210 of Saez and not the purchase request of step 1230.

In these claims, the enrollment request is "for receipt of one or more obfuscated executable application programs controlled by an application program provider." At the time of the purchase request of Saez cited in the action, the software has already been received on the user device and so the purchase request fails to teach the invention in the same level of detail as recited in these claims. Further, in these claims the secret is determined and then associated with the target ID. In contrast, as characterized by the rejection, the target ID is determined and then used in generating what is characterized as the secret and so is fundamentally different from the recitation in these claims where the association is after and not during the generation of the secret. In addition, Saez teaches no more than what is recited in the background section of Applicant's specification, because the software is available on the user computer and can be hacked to determine the necessary key as described in that background section. Applicant respectfully requests reconsideration and withdrawal of the anticipation rejection of each of Claims 3, 14, 25, and 36.

Claim 4 depends from Claim 3; Claim 15 from Claim 14; Claim 26 from Claim 25; and Claim 37 from Claim 36. Therefore, each of Claims 4, 15, 26, and 37 distinguishes over Saez for at least the same reasons as the claim from which each depends. Applicant respectfully requests reconsideration and withdrawal of the anticipation rejection of each of Claims 4, 15, 26, and 37.

Applicant respectfully traverses the anticipation rejection of Claims 8, 19, 30 and 41 in view of Saez. As shown in Fig. 12, of Saez, the software product is sent by the server as the first operation 1210 and so any encryption of the program must have been done prior to that time. The rejection has failed to cite any teaching of a target ID associated with step 1210 and any action taken on the software based on using

the target ID to determine a current obfuscation method in step 1210 of Saez. The key for decrypting is generated after a purchase request is received and after the software has been sent. Therefore, Saez teaches away from the sequence recited in these claims where the obfuscated application program is created based at least in part on an obfuscation method based at least in part on a target ID. There is simply no citation to the specific sequence based on credit card validation, which occurs after sending the software by Saez in step 1210. Applicant respectfully requests reconsideration and withdrawal of the anticipation rejection of each of Claims 8, 19, 30 and 41.

Claim 9 depends from Claim 8; Claim 20 from Claim 19; Claim 31 from Claim 30; and Claim 42 from Claim 41. Therefore, each of Claims 9, 20, 31, and 42 distinguishes over Saez for at least the same reasons as the claim from which each depends. Applicant respectfully requests reconsideration and withdrawal of the anticipation rejection of each of Claims 9, 20, 31, and 42.

Claims 2, 5, 7, 11, 13, 16, 18, 22, 24, 27, 29, 33, 35, 38, 40, 44, and 46 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Saez in view of apparently Official Notice of virtual machines.

Applicant respectfully notes that, assuming the use of Official Notice is correct, the additional information fails to overcome the deficiency of the primary reference with respect to the independent claim from which each of these claims depends. In addition, virtual machines were known at the time of Saez and Saez chose not to use such a machine. Therefore, the primary reference taken as a whole teaches away from the combination and the use of Official Notice. Official Notice cannot be used to contradict the express teachings of the primary reference that did not consider or suggest a virtual machine. Finally, there has been no citation of a user device

that includes a smart-card that in turn includes a virtual machine. Thus, each of these claims distinguishes over the combination of references for multiple reasons. Applicant respectfully requests reconsideration and withdrawal of the obviousness rejection of each of Claims 2, 5, 7, 11, 13, 16, 18, 22, 24, 27, 29, 33, 35, 38, 40, and 44.

Claims 10, 21, 32, and 43 stand rejected as under 35 U.S.C. § 103(a) as being unpatentable over Saez in view of U.S. Patent No. 6,098,056.

Applicant respectfully notes that, assuming the combination of references is correct, the additional information fails to overcome the deficiency of the primary reference with respect to the independent claim from which each of these claims depends. In addition, as noted above, the double encryption with respect to the purchase request fails to teach anything concerning how one of skill in the art would split the encryption between steps 1210 and 1230. Moreover, it requires modifications to the encryption sequences in Saez that have not been acknowledged. General knowledge of double encryption fails to teach or suggest how to modify the primary reference so that it would still work for its intended purpose and how to modify Saez to meet the express sequence recited in these claims. Applicant respectfully requests reconsideration and withdrawal of the obviousness rejection of each of Claims 10, 21, 32, and 43.

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Claims 1 to 5, 8 to 16, 19 to 27, 30 to 38, and 41 to 44 remain in the application. Claims 1 to 3, 5, 11 to 14, 16, 22 to 25, 27, 33 to 36, 38, and 44 have been amended. Claims 6, 7, 17, 18, 28, 29, 39, 40, and 45 to 48 are cancelled. For the foregoing reasons, Applicant(s) respectfully request allowance of all pending claims. If the Examiner has any questions relating to the above, the Examiner is respectfully requested to telephone the undersigned Attorney for Applicant(s).

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on April 24, 2007.



Attorney for Applicant(s)

April 24, 2007

Date of Signature

Respectfully submitted,



Forrest Gunnison
Attorney for Applicant(s)
Reg. No. 32,899
Tel.: (831) 655-0880